

Group III: Claims 31-35, drawn to a chimeric protein, classified in class 530, subclass 387.3, for example.

In addition, if Group I is elected the Examiner is also requiring an election of a single disclosed Species as follows:

Immunoglobulin Molecule (claims 21-25)

- a) Derived from mouse (claim 22); or
- b) Derived from human (claims 23-25)

If Group II is elected the Examiner is also requiring an election of a single disclosed Species as follows:

Immunoglobulin Molecule (claims 27-32)

- a) Derived from mouse (claim 27)
- b) Derived from human (claims 28-30)

Applicants provisionally elect Group III, Claims 31-35, drawn to a chimeric protein.

With the election of Group III, and election of species is not required.

Applicants respectfully traverse the Election of Species Requirement on the grounds that the Office has not provided any reasons, whatsoever, to support the conclusion of patentable distinctness. Rather, the Office has merely stated the conclusion.

Applicants respectfully traverse on the grounds that the Office has not shown that a burden exists in searching the entire application.

Moreover, the MPEP in §803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office.

Application Serial No.: 10/825,127

Reply to the Restriction and Election of Species Requirement mailed December 14, 2006

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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